

Bountiful City
Administrative Committee Minutes
November 9, 2009
5:06 P.M.

Present: Chairman Aric Jensen, Committee Member John “Marc” Knight, Assistant City Engineer Lloyd Cheney, Assistant Planner Dustin Wright and Recording Secretary Cindy Gruendell.

1. Aric Jensen welcomed all those present and had all present introduce themselves.
2. Consider approval of minutes for October 19, 2009.

Marc Knight noted one correction to the spelling of his name.

Lloyd Cheney made a motion to approve the minutes for October 19, 2009 as amended. Marc Knight seconded the motion and voting was unanimous in favor.

3. PUBLIC HEARING - Consider a Conditional Use Permit to allow for a Dining Club / Tavern business at 1025 South 500 West, applicant, Wendi Lund / Moxi Restaurant.

Wendi Lund, applicant and Warren Barnes were present. Dustin Wright presented the staff report.

The property is located in a Heavy Commercial (C-H) zone. The Applicant is proposing to run a restaurant that will serve alcohol and operate as a “dining club/ tavern”.

The property is not located within six hundred feet (600’) of any school, church, library, public playground, or park. (See 1,242 foot path on the aerial)

The entrances and exits are not within two hundred feet (200’) of any school, church, library, public playground, or park. (See 200 foot radius on aerial)

Located on this site is a Pilates studio and office space. These uses are separate from the restaurant.

Hours of operation have not been specified. City Code 5-7-110-(i) and (j) specify that, between the hours of 1:00 a.m. and 6:00 a.m., it is unlawful to sell, possess or consume alcoholic beverages on the premises. City Code 8-7-102 sets a standard noise ordinance time for the hours between 11:00 p.m. and 6:00 a.m.

Staff recommends approval of a Conditional Use Permit to allow a dining club / tavern business to the Committee with the following conditions:

1. The City Council must give its local consent to the state club license.
2. The City Council must approve a City club liquor license.
3. The State must approve a state club license.
4. Appropriate hours of operation should be discussed and set by the Administrative Committee.
5. Applicant must obtain all other necessary licenses and meet the requirements in the City Code and, more specifically, those in Title 5, Chapter 7.
6. The Conditional Use Permit only applies to the portion of the property used for the Moxi Restaurant/ tavern.
7. The Conditional Use Permit for the operation of the Moxi Restaurant/ tavern does not run with the land.

Aric Jensen explained the city ordinance that requires a conditional use permit for operating a dining club / tavern in the CH Zone.

The Committee discussed with the applicant how the business would be physically arranged.

The applicant explained that the restaurant would be small, with about 40 seats. They will sell alcohol, mostly wine, and espressos and teas. They will have a breakfast and lunch to service the Pilates studio clientele and others in the area looking for a relaxing place. They will also provide WIFI for customers with laptops. They will have a full dinner menu, kids will be allowed with an adult, but the restaurant will have a professional/adult feel to it. On the weekend evenings they are looking at having a classical guitar player or a three piece jazz band. They will be open at 7:00 am for breakfast and stay open typical nightclub hours. They are currently going to be closed on Sundays but if the business warrants it they might consider changing that. There will be one chef, 2-3 servers and herself there during business hours.

The public hearing was opened and closed without any comments.

Marc Knight made a motion to approve the Conditional Use Permit to allow a dining club/tavern business at 1025 South 500 West for Wendi Lund/Moxi Restaurant with the recommended conditions in the staff report and with typical hours of 7:00 am to 1:00am. Aric Jensen seconded the motion. Mr. Jensen entertained discussion on the motion.

Warren Barnes explained to the Committee that typical hours of operation for this kind of business are, to stop selling liquor at 1:00 pm, and allow people to “clear out” by 2:00 am.

Marc Knight amended his motion to remove the hours of operation (#4 of the staff recommended conditions) and to require that the applicant comply with all State Laws and Ordinances regarding this type of operation. Lloyd Cheney seconded the motion. Voting was unanimous in favor.

4. Approval of the Conditional Use Permit letter in written form, to allow for an Accessory in-Law Apartment at 445 East 1800 South, applicant, Robert S. Young.

Lloyd Cheney noted the zoning on the letter was incorrect.

Marc Knight made a motion to approve the Conditional Use Permit letter in written form with the one correction. Lloyd Cheney seconded the motion. Voting was unanimous in favor.

There were no other comments and the meeting adjourned at 5:35 p.m.